

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-02466 HRL	DATE FILED 5/20/2011	U.S. DISTRICT COURT 280 South First Street, San Jose, CA 95113
PLAINTIFF EIT HOLDINGS, LLC		DEFENDANT NETFLIX, INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,828,837		See Attached Complaint
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Betty Walton	DATE May 23, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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12 Attorneys for Plaintiff
13 EIT Holdings LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 EIT HOLDINGS LLC, a Delaware company,

17 Plaintiffs,

18 vs.

19 NETFLIX, INC., a Delaware Corporation,

20 Defendants.

Case No. **CV 11-02466**

**ORIGINAL COMPLAINT
FOR: PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

21
22 **ORIGINAL COMPLAINT**

23 Plaintiff EIT Holdings LLC ("Plaintiff" or "EIT"), files this Original Complaint against
24 Netflix, Inc. ("Netflix") alleging as follows:

25 **THE PARTIES**

26 1. Plaintiff, EIT Holdings LLC is a limited liability company organized under the
27 laws of the state of Delaware, having its principal place of business at 2711 Centerville Road,
28 Suite 400, Wilmington, DE, 19808.

ADR

E-FILING

ORIGINAL FILED

MAY 20 2011
Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

HRL

1 create a user account, which includes a unique id such as a unique email address or a user defined
2 unique username for ordering or accessing information. Netflix receives and stores information
3 about the users in a database through the use of a web connected server. When a registered user
4 accesses Netflix's website, references to commercial and non-commercial target information,
5 such as advertisements, additional content on areas of interest or information about additional
6 products, are transmitted to the user and displayed on his or her web accessible device including
7 but not limited to a desktop computer, a laptop computer, a mobile phone or a game console.
8 Netflix determines appropriate target information for each user based on the user profile
9 information including but not limited to demographics, personal preferences, interests, past
10 content viewing history and past purchase history.

11 10. Netflix, on information and belief, utilizes a computer network system and method
12 for transferring information that infringes at least claims 40 and 41 of the '837 patent, by utilizing
13 the features described in Paragraph 9 on at least its website www.netflix.com and/or other
14 websites utilizing similar features. By making, operating, using and/or selling such websites,
15 Netflix has infringed and continues to infringe, contribute to the infringement of, or induce the
16 infringement of at least claims 40 and 41 of the '837 patent, either literally or under the doctrine
17 of equivalents.

18 11. Accordingly, Netflix's acts of infringement of the '837 patent, as alleged above,
19 have injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to compensate it
20 for Netflix's acts of infringement, which in no event can be less than a reasonable royalty.

21 **DEMAND FOR JURY TRIAL**

22 12. Plaintiff hereby demands a jury trial on all claims and issues.

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiff prays for entry of judgment:

25 1. that Defendant Netflix, Inc. has infringed one or more claims, specifically claims
26 40 and 41, of the '837 patent;

27 2. that Defendant Netflix, Inc. accounts for and pays to Plaintiff all damages caused
28 by the infringement of the '837 patent, which by statute can be no less than a reasonable royalty;

1 3. that Plaintiff be granted pre-judgment and post-judgment interest on the damages
2 caused to them by reason of Defendant Netflix Inc.'s infringement of the '837 patent;

3 4. that costs be awarded to Plaintiff; and

4 5. that Plaintiff be granted such other and further relief as the Court may deem just
5 and proper under the current circumstances.

6 Dated: May 20, 2011

Respectfully submitted,

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8 By: 

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14 **ATTORNEYS FOR PLAINTIFF**